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Attorneys for the United States

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS LUVA,

Defendant.

Case No. 2:21-mj-01005-DJA

STIPULATION TO CLOSE CASE

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney and Mina Chang, Assistant United States Attorney, counsel for the United States of America, and Scott M. Holper, Esq., counsel for defendant Jose Luis Luva, that the Status Conference set for 11:30 a.m. on December 30, 2022 be vacated and that this case be closed.

This Stipulation is entered into for the following reasons:

1. On or about May 24, 2022, defendant Jose Luis Luva entered into a Petty Offense Plea Agreement with the United States in which he agreed to plead guilty to Count One of the Complaint, Operating a Motor Vehicle while Under the Influence of Alcohol, in violation of 36 C.F.R. § 4.23(a)(1). *See* ECF No. 9.

2. The parties agreed to recommend that defendant be sentenced to one year of unsupervised probation with the following special conditions: (i) pay a \$500 fine and a mandatory \$10 penalty assessment; (ii) attend and complete the Lower Court Counseling's (1) DUI course and (2) Victim Impact Panel; (iii) complete an eight hour online alcohol awareness course; (iv) not return to Lake Mead National Recreation Area for a period of six months; and (v) not violate any local, state, or federal laws. ECF No. 9 at 2.
3. The parties further agreed that if defendant successfully completed special conditions (i), (ii), (iii), and (iv) within six months of his unsupervised probation, the parties would allow defendant to withdraw his guilty plea to Count One; the United States would move to amend Count One to a charge of Reckless Driving in violation of 36 C.F.R. § 4.2 and N.R.S. 484B.653; defendant would plead guilty to amended Count One; and the parties would jointly agree that the original sentence be applied to amended Count One. *Id.*
4. On June 1, 2022, this Court sentenced defendant pursuant to the parties' plea agreement. *See* ECF No. 8.
5. Since commencing his term of unsupervised probation, defendant has successfully completed conditions (i), (ii), (iii), and (iv). *See* Ex. A.
6. Accordingly, the United States moves to amend Count One of the Complaint to a charge of Reckless Driving in violation of 36 C.F.R. § 4.2 and N.R.S. 484B.653 ("Amended Count One").

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- 1 7. Defendant hereby pleads guilty to Amended Count One of the Complaint.
- 2 8. The parties jointly request that the original sentence be applied to Amended Count One
- 3 and for the case to be closed.
- 4

5 DATED this 29th day of December, 2022.

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7 Respectfully submitted,

8 JASON M. FRIERSON
Acting United States Attorney

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10 /s/ Scott Holper
SCOTT M. HOLPER
11 Counsel for Defendant LUVA

/s/ Mina Chang
MINA CHANG
12 Assistant United States Attorney

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS LUVA,

Defendant.

Case No. 2:21-mj-01005-DJA

~~[PROPOSED]~~ ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant Jose Luis Luva has successfully completed the conditions of his sentencing.


ORDER

IT IS HEREBY ORDERED that Count One is amended to Reckless Driving in violation of 36 C.F.R. § 4.2 and N.R.S. 484B.653; and

IT IS FURTHER ORDERED that the Status Conference currently scheduled for December 30, 2022 at 11:30 a.m. be vacated; and

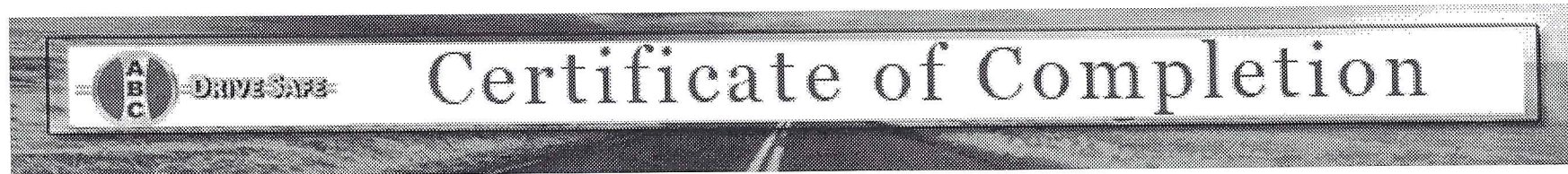
IT IS FURTHER ORDERED that this case be closed.

DATED this 29th day of December, 2022.



HON. DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

EXHIBIT A



Substance Abuse: Drugs and Alcohol

a Dylund Enterprises LLC School

Student Name: jose luva

Address: joseluva, henderson, Nevada, 89011

Date of Birth: 09/14/1978

Driver's License #: 1705318094

State Issuing DL: NV

Citation #:

Court Case: 2-21-mj-1005-DJA

Court of Jurisdiction: U.S. District Court

Judge:

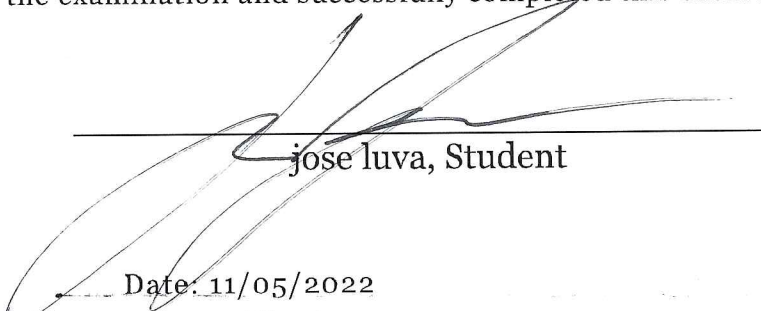
Court Ordered Completion Date: 12/03/2022

Date Course Completed: 11/05/2022

Course Final Score: 100

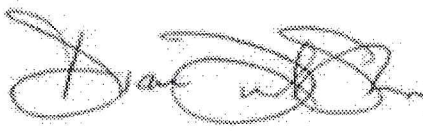
Total Login Time: 1:25:12

This document certifies that the above named person has successfully completed the 8-HOUR NEVADA SUBSTANCE ABUSE: DRUGS AND ALCOHOL AWARENESS LEVEL 1 COURSE. The person presenting this signed document to the appropriate agency, court or other entity swears under penalty of perjury that they are the individual named above who took the examination and successfully completed this course on the above date.



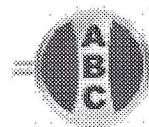
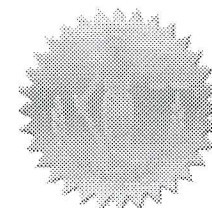
jose luva, Student

Date: 11/05/2022



Diane Lund-Shaw, Instructor

Date: 11/05/2022





VICTIM IMPACT PANEL
a Dylund Enterprises LLC School

Student Name: Jose luva

Address: 449 E Barrett St., Henderson, Nevada, 89011

Date of Birth: 09/14/1978

Driver's License #: 1705318094

State Issuing DL: NV

Citation #:

Court Case: 2-21-MJ-1005-DJA

Court of Jurisdiction: U.S. District Court

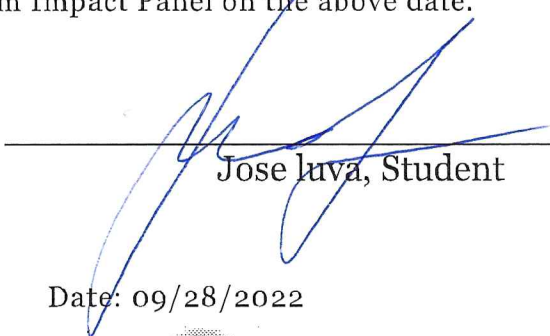
Judge:

Court Ordered Completion Date: 06/01/2022

Date Course Completed: 09/28/2022

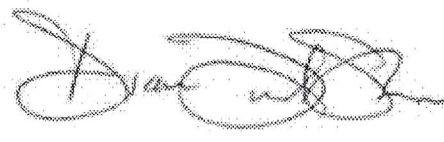
Course Final Score: 100

This document certifies that the above named person has successfully completed the 90-Minute Victim Impact Panel. The person presenting this signed document to the appropriate agency, court or insurance company swears under penalty of perjury that they are the individual named above who took the examination and successfully completed the Victim Impact Panel on the above date.



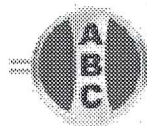
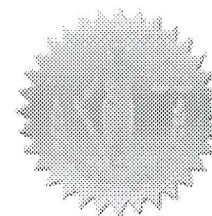
Jose luva, Student

Date: 09/28/2022



Diane Lund-Shaw, Instructor

Date: 09/28/2022



DRIVE SAFE

634 Ryland St., Suite 410, Reno NV 89502 • (775) 338-6269 • support@abcdrivesafe.com
DMV Licenses: ABC Drive Safe DUI000041939, TS000047687 / 123 DUI Online DUI000045670



Certificate of Completion

Nevada Level 1 DUI a Dylund Enterprises LLC School

Student Name: Jose luva

Address: 449 E Barrett St., Henderson, Nevada, 89011

Date of Birth: 09/14/1978

Driver's License #: 1705318094

State Issuing DL: NV

Citation #:

Court Case: 2-21-MJ-1005-DJA

Court of Jurisdiction: U.S. District Court

Judge:

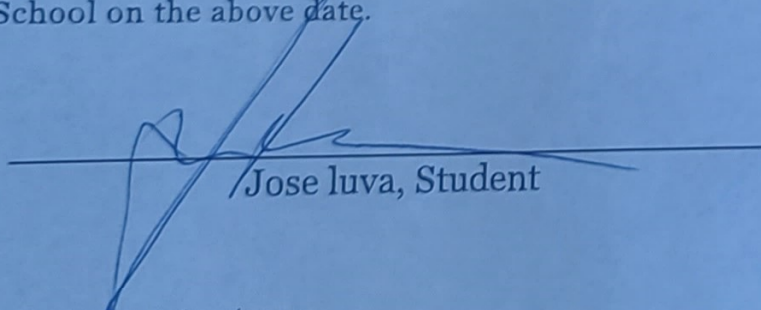
Court Ordered Completion Date: 06/01/2022

Date Course Completed: 09/01/2022

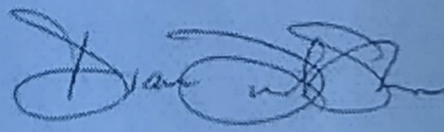
Course Final Score: 95

Total Login Time: 10:11:22

This document certifies that the above named person has successfully completed the 8-HOUR NEVADA DMV LICENSED LEVEL 1 DUI COURSE. The person presenting this signed document to the appropriate agency, court or insurance company swears under penalty of perjury that they are the individual named above who took the examination and successfully completed the DUI School on the above date.


Jose luva, Student

Date: 09/01/2022



Diane Lund-Shaw, Instructor

Date: 09/01/2022



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADAE, SPECIAL ASSESSMENT, and/or PROCESSING FEE
PAYMENT INFORMATION

Luva CASE # 2:21-mj-1005-DJA

DATE IMPOSED: 6-1-22

Court Name: District of Nevada
Division: 2
Receipt Number: NVLAS061371
Cashier ID: ywilliam
Transaction Date: 06/03/2022
Payer Name: Jose Luis Luva

CRIMINAL DEBT

For: Jose Luis Luva
Case/Party: D-NVX-2-22-NJ-001005-001
Amount: \$500.00

CRIMINAL DEBT

For: Jose Luis Luva
Case/Party: D-NVX-2-22-NJ-001005-001
Amount: \$10.00

CASH

Amt Tendered: \$510.00

Total Due: \$510.00

Total Tendered: \$510.00

Change Amt: \$0.00

2:21-mj-01005-DJA

Jose Luis Luva

"Only when bank clears the check, money order, or verifies credit of funds is the fee or debt officially paid or discharged. A \$53 fee will be charged for a returned check."

by the United States District Court
ed in accordance with the Federal Victims Crime Act of 1984 (18 U.S.C. § 361),
in accordance with the Consolidated Appropriations Act of 2021.

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUN - 3 2022	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

Citation/Count # _____
ed: \$ 500 -
\$ 10 - is DISMISSEDCitation/Count # _____
ed: \$ _____ is DISMISSED
ee: \$ _____Citation/Count # _____
ed: \$ _____ is DISMISSED
ee: \$ _____Fine Imposed: \$ _____
Assessment: \$ _____
Processing fee: \$ _____Fine Imposed: \$ _____
Assessment: \$ _____
Processing fee: \$ _____Fine Imposed: \$ _____
Assessment: \$ _____
Processing fee: \$ _____

0 -

BALANCE YOU OWE (less Cash Bail) \$ _____

The entire amount listed above is due immediately.

Cash bail in the amount of \$ _____ previously posted may apply toward the fine. Please obtain a Bail Release form from the clerk to accomplish this.

The Court has authorized a payment schedule for the total amount you owe or any balance due (less cash bail as noted above) as follows:

\$ _____ due by/within _____ days/months; \$ _____ due by/within _____ days/months;
\$ _____ due by/within _____ days/months; and/or on the _____ day of each _____ until paid in full.

STATUS HEARING set for Tuesday, _____ at 1:30PM in Ctrrm _____. Hearing will be Vacated if fine is paid in full.

SPECIAL NOTE: Until the fine is paid in full, you are required to notify the United States Attorney of any change in your mailing address or residence address not later than 30 days after the change occurs.

Payment will be made to:

Central Violations Bureau, P. O. Box 780549, San Antonio, TX 78278 (Phone #1-800-827-2982)
(Check; money order; or major credit cards accepted online) Website: www.cvb.uscourts.govClerk, U. S. District Court, 333 Las Vegas Blvd. South, Rm. 1334, Las Vegas, NV 89101
(Phone # 702-464-5405) Office hours: 9:00 a.m. to 4:00 p.m., Monday through Friday, except holidays
(EXACT cash only; check; money order; or major credit card accepted. This court does not accept payment by phone.)Take this form to the Clerks Office, Room 1334 (1st floor of this building), immediately following this hearing to make your first or total payment.

IT IS SO ORDERED by:

____ Hon. DANIEL J. ALBREGTS, Courtroom #3A
 ____ Hon. BRENDA WEKSLER, Courtroom #3B
 ____ Hon. NANCY J. KOPPE, Courtroom #3C
 ____ Hon. CAM FERENBACH, Courtroom #3D
 ____ Hon. ELAYNA J. YOUGHAN, Courtroom # _____
 ____ Hon. _____, Courtroom # _____